

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: Christopher M. Gratz, Planner II

SUBJECT: Quasi Judicial Hearing: Special Permit, SE 9-2-03, Gloria Dei Lutheran Church & Academy, 7601 SW 39 Street, Generally located at the northwest corner of SW 39 Street and SW 76 Avenue.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: SE 9-2-03 Gloria Dei Lutheran Church & Academy (CF)

REPORT IN BRIEF: The applicant has requested a special permit in to order install a new modular classroom building and to replace an existing modular classroom building within the Gloria Dei Lutheran Church complex. The special permit is required because the Land Development Code does not address this request.

The modular classrooms are proposed to be located within the school portion of the Gloria Dei Lutheran Church complex. Access to the buildings will be provided from the existing parking lot, with new boardwalk connections so they are integrated into the complex. The intent of a special permit application is for Town Council to review uses that are so unique that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. Staff finds that the use of modular classrooms is a compatible use on the subject site. The modular buildings are being placed in proper locations within the district setbacks, will be landscaped adequately, and are not being requested to increase enrollment; but rather are needed to upgrade the existing facilities. The proposed locations, although being visible from the right-of-way, exceeds the required setback, will be adequately landscaped, and as such will not have an adverse impact on the surrounding area.

PREVIOUS ACTIONS: None

CONCURRENCES:

At the November 12, 2003, Planning and Zoning Board meeting, Casey Lee made a motion, seconded by Mimi Turin to approve (Motion carried 4-0 with John Stevens absent).

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Planning Report, Site Plan, Future Land Use Plan Map, Zoning and Aerial Map

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation



Applicant Information

Owner/Agent:

Name: Darrell Stuehrenberg, Pastor
Gloria Dei Lutheran Church & Academy
Address: 7601 SW 39 Street
City: Davie, FL 33328
Phone: (954) 475-0683

Background Information

Date of Notification: November 5, 2003 **Number of Notifications:** 89

Application History: No deferrals have been requested.

Planning and Zoning Board Recommendation: At the November 12, 2003, the Planning and Zoning Board meeting, the board made a motion to approve the special permit application.

Application Request: Special Permit in order to install a new modular classroom building and to replace an existing modular building within the Gloria Dei Lutheran Church complex pursuant to Land Development Code §12-35 Special Uses, which allows unique and unanticipated uses to be reviewed as a Special Permit.

Address/Location: 7601 SW 39 Street/Generally located at the northwest corner of SW 39 Street and SW 76 Avenue.

Future Land Use Plan Map Designation: Regional Activity Center (RAC)

Zoning: CF, Community Facilities District

Existing/Proposed Use: Gloria Dei Lutheran Church & Academy

Parcel Size: 12.57 acres (547,582 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Map Designations:</u>
North:	Jim & Judy Moran Family Center	Residential (10 DU/AC)
South:	Saint David's Catholic Church	Regional Activity Center (RAC)
East:	Single family dwellings	Residential (1 DU/AC)
West:	NSU mail facility (formerly Ed Morse Buick) Stor-All United States Post Office	Regional Activity Center (RAC)

Surrounding Zoning:

North:	CF, Community Facilities District
South:	CF, Community Facilities District
East:	R-1, Estate Dwelling District
West:	B-3, Planned Business Center District, CF, Community Facilities District

Zoning History

Previous Requests on same property: The site plan for a nursery school, Gloria Dei Lutheran Church, was approved on August 16, 1978.

The site plan for the church building and gymnasium, Gloria Dei Lutheran Church, was approved on November 3, 1982.

The site plan modification for classroom buildings, SP 4-10-88 Gloria Dei Lutheran Church, was approved on September 26, 1988.

The site plan modification for a modular classroom building, SP 4-6-94 Gloria Dei Lutheran Church, was approved on June 15, 1994.

Applicable Codes and Ordinances

§12-308 of the Land Development Code, review for special permits.

§12-35 of the Land Development Code. Special uses are those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. A request for such use shall take the form of an application for special permit, processed in accordance with the regulations contained in Article X.

§12-83 of the Land Development Code, Conventional Nonresidential Development Standards, CF, Community Facilities District, requires the following minimums: lot area of 43,560 square feet, 100' frontage, 25' side and rear yards, 30 percent open space, and 35' maximum building height.

Comprehensive Plan Considerations

This parcel is located within the Regional Activity Center Future Land Use Plan designation that was adopted by Town Council in 1998.

Planning Area: The subject property falls within Planning Area 8. This Planning Area is the heart of Davie and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The planning area encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities, and industrial land.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 99. The subject site was developed prior to November 22, 1978, which was the effective date of the Broward County Land Use Plan. The proposed structures do not exceed the square footage of the original principal buildings and therefore platting is not required.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 10: Regional Activity Center Use, Policy 10-1:* The Regional Activity Center land use designation shall encourage large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitates a coordinated and balanced mix of land uses, providing for: educational facilities; a wide selection of housing types for all income ranges; shopping opportunities to meet the basic and expanded needs of students, residents, employees and visitors; research, training and other educational support uses; recreation; and employment opportunities, including the use of mix residential/nonresidential land uses.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

The subject application complies with the goals, objectives and policies of the comprehensive plan.

Application Details and Staff Analysis

The applicant has requested a special permit in order install a new modular classroom building and to replace an existing modular classroom building within the Gloria Dei Lutheran Church complex. The special permit is required because the Land Development Code does not address this request.

The modular classrooms are proposed to be located within the school portion of the Gloria Dei Lutheran Church complex. Access to the buildings will be provided from the existing parking lot, with new boardwalk connections so they are integrated into the complex. The intent of a special permit application is for Town Council to review uses that are exceptional and may have effects on the surrounding environment that cannot be determined in advance of the use being proposed for a particular location. Staff finds that the use of modular classrooms is a compatible use on the subject site. The modular buildings are being placed in proper locations within the district setbacks, will be landscaped adequately, and are not being requested to increase enrollment; but rather are needed to upgrade the existing facilities. The proposed locations, although being visible from the right-of-way, exceeds the required setback, will be adequately landscaped, and as such will not have an adverse impact on the surrounding area.

Findings of Fact

Review for Special Permits:

Section 12-308(A) (1) (a):

The following findings of facts apply to the special permit request:

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The proposed modular classroom buildings are an accessory use on the Gloria Dei Lutheran Church complex. This use is consistent with the intent of the Regional Activity Center Future Land Use Plan Map designation which allows a wide mix of uses.

- (ii) The proposed change will not create an unrelated an incompatible use;

The proposed modular classroom buildings are needed upgrades to the existing facilities, and pose no incompatibilities with surrounding properties, as they do not increase classroom size, parking needs, or are a visual nuisance from the adjacent right-of-way.

- (iii) The proposed change will not adversely affect living conditions in the neighborhood or the town;

The proposed modular classroom buildings will have no adverse impacts on living conditions in the neighborhood or in the town as they are an accessory use that is part of the overall use of the site.

- (iv) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

No additional traffic will be generated by the use of these modular classroom buildings as they are basically replacements for existing facilities, and are not being used to increase enrollment.

- (v) The proposed change will not adversely affect surrounding property values;

The proposed modular classroom buildings will have no impact on surrounding property values the as property surrounding the site will not be negatively impacted either visually or by additional traffic issues.

- (vi) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

The proposed modular classroom buildings would not deter any of the surrounding property owners from developing or improving their properties, as the surrounding properties will not be negatively impacted either visually or by additional traffic issues.

- (vii) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

This request is a use that may be permitted it if is determined by the Town Council to be compatible with the surrounding uses.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. The application meets the criterion established for the review of special permits and does not negatively impact the surrounding area either visually or by additional traffic issues.

Planning and Zoning Board Recommendation

At the November 12, 2003, Planning and Zoning Board meeting, Casey Lee made a motion, seconded by Mimi Turin to approve (Motion carried 4-0 with John Stevens absent).

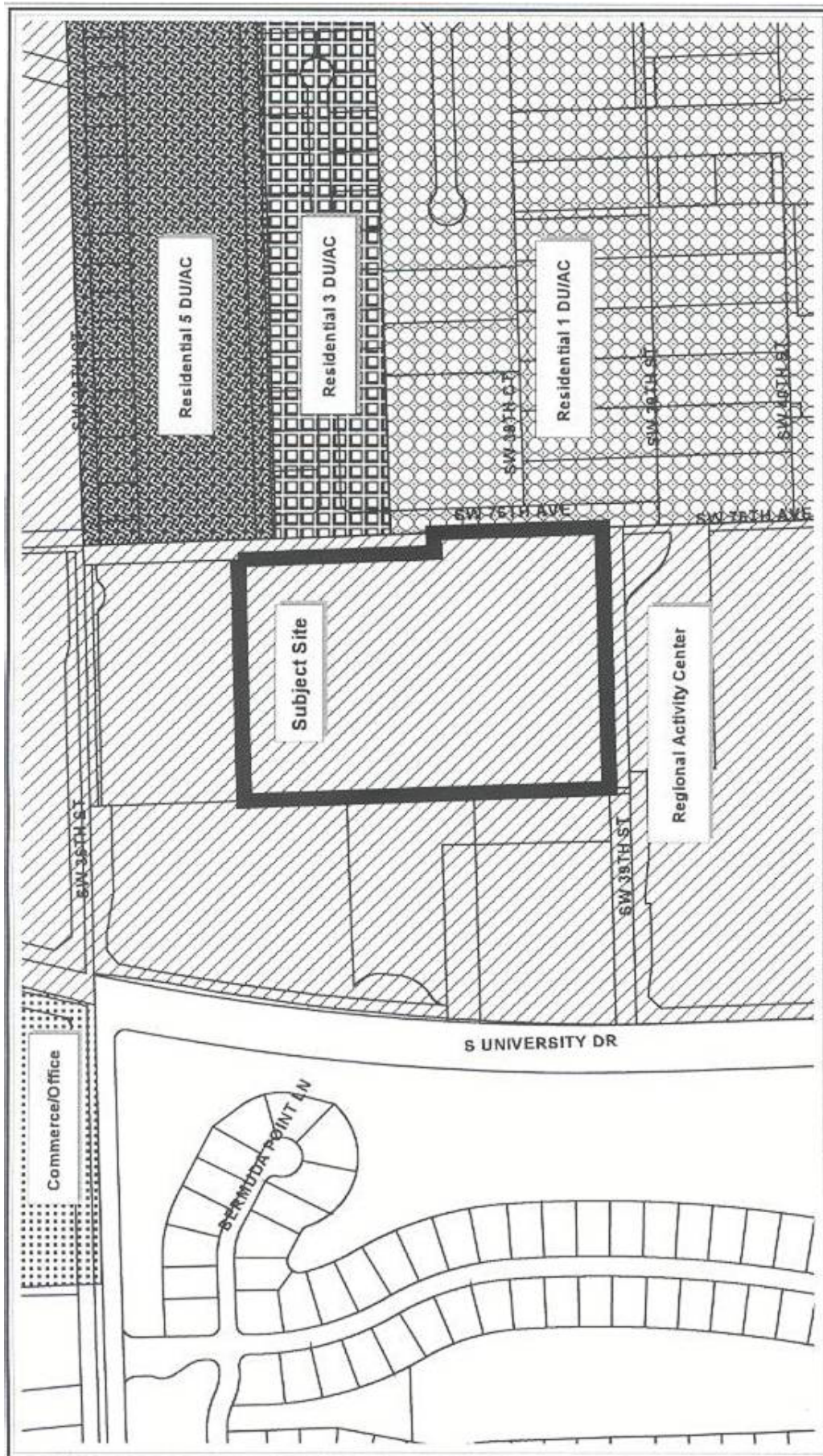
Town Council Action

Exhibits

1. Site Plan
2. Future Land Use Plan Map
3. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____



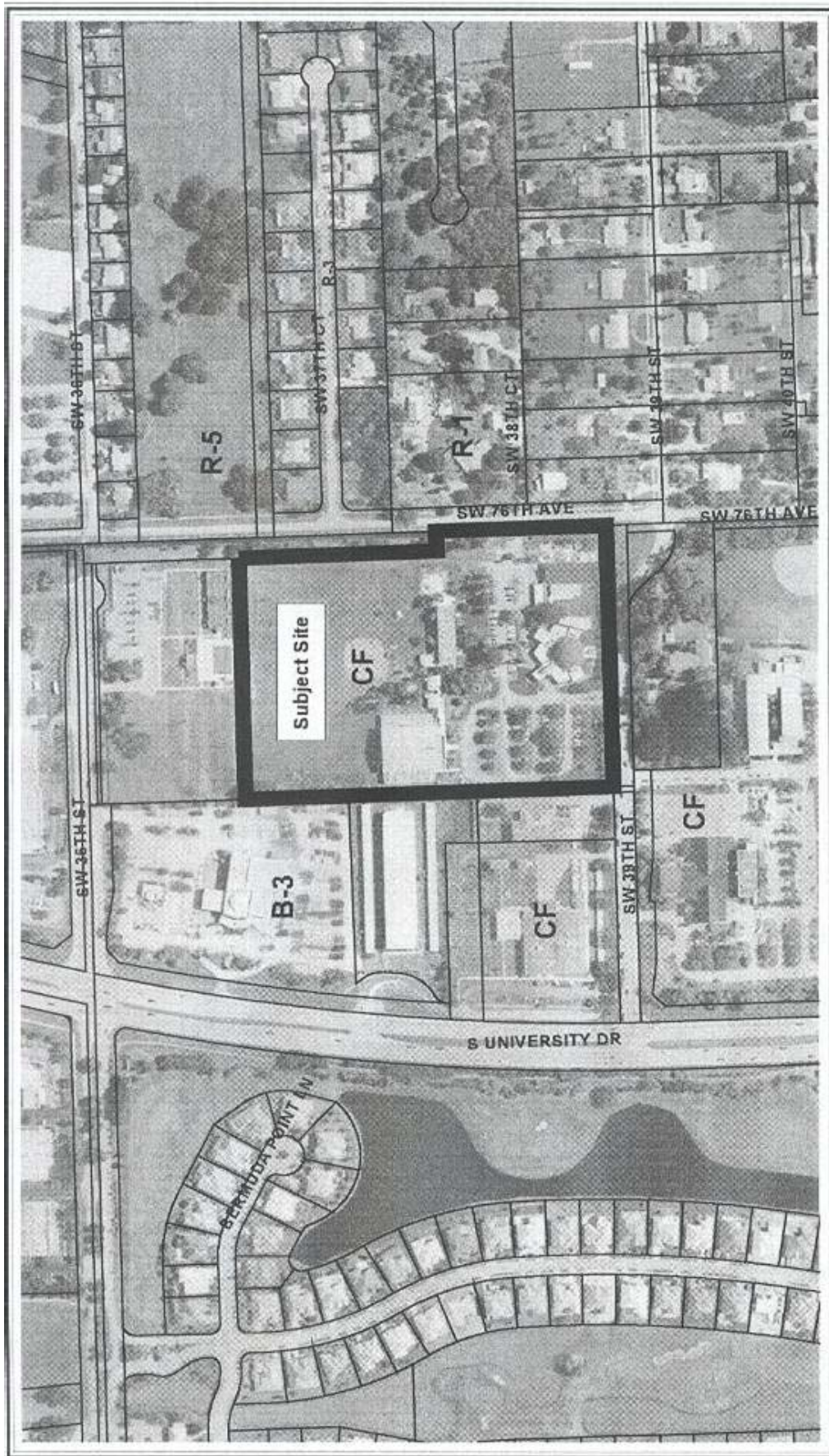
Date Flown:
12/31/00

Prepared By: CMG
Date Prepared: 10/29/03



Special Permit & Site Plan SE 9-2-03 & SP 9-7-03 Gloria Dei Lutheran Church Future Land Use Plan Map





Date Flown:
12/31/00

Prepared By: CMG
Date Prepared: 10/29/03



300 0 300 600 Feet

Planning & Zoning Division - GIS



Special Permit & Site Plan SE 9-2-03 & SP 9-7-03 Gloria Dei Lutheran Church Zoning and Aerial Map